

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 15,443

IN THE MATTER OF:

Served March 9, 2015

EXACT ENTERPRISES INC., Suspension )  
and Investigation of Revocation of )  
Certificate No. 1249 )

Case No. MP-2015-029

Certificate No. 1249 was automatically suspended under Regulation No. 58-12 on February 4, 2015, for respondent's willful failure to maintain compliance with the insurance requirements in Regulation No. 58. Order No. 15,377, served February 4, 2015, noted that Certificate No. 1249 would be subject to revocation if respondent failed to file the necessary insurance endorsement(s) and pay a \$100 late fee on or before March 6, 2015. Respondent has yet to file the necessary insurance endorsement(s) and pay the late fee.

Under Regulation No. 58-15(a): "Upon a carrier's failure to comply timely with a suspension order issued under Regulation No. 58-12, and as soon as practicable thereafter, the Executive Director shall issue an order revoking the carrier's operating authority or shall refer the matter for consideration by the Commissioners."

In a letter submitted March 2, 2015, respondent has requested a 60-day extension of the March 6 deadline on the ground that respondent is "financially unable" to acquire the minimum insurance required under Regulation No. 58.

According to Commission Rule No. 7-05: "Except when fixed by statute, whenever by any . . . order of the Commission, . . . an act is required or allowed to be done at or in a specified time, the time fixed or the period of time prescribed may for good cause be extended by the Executive Director . . . ." The March 6 deadline in Order No. 15,377 is not fixed by statute.

Good cause for extending the 30-day deadline for avoiding revocation of a certificate of authority automatically suspended under Regulation No. 58-12 consists of evidence of imminent compliance with Regulation No. 58.<sup>1</sup> In this proceeding, the only "evidence" on this point is the unsworn statement of respondent's "Operation Manager" Rufin Toko Sime. According to Mr. Sime, the extension will "help us to strengthen our financial capability and insure our revenue vehicles within extended time." Mr. Sime, who assures the Commission that

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<sup>1</sup> *In re Transcom, Inc.*, No. MP-13-108, Order No. 14,306 (Oct. 24, 2013); *In re Senate Transp. Servs. Corp.*, No. MP-13-100, Order No. 14,305 (Oct. 24, 2013).

respondent has ceased operating as required by Regulation No. 58-12 and Order No. 15,377, does not explain how, in the absence of any revenue coming in, the mere passage of time will enable respondent to obtain the insurance it can longer afford. Indeed, he concludes by expressing the "hope" that 2015 will prove to be more prosperous. Hope is not evidence.

Because Mr. Sime's statement is not sworn as required by Rule No. 4-06 and does not state any facts that would support a finding of imminent compliance with Regulation No. 58, Certificate No. 1249 shall be revoked in accordance with Regulation No. 58-15(a).

THEREFORE, IT IS ORDERED:

1. That Certificate of Authority No. 1249 is hereby revoked.
2. That the \$100 late insurance fee shall remain due in accordance with Regulation No. 67.
3. That within 30 days from the date of this order respondent shall:
  - a. remove from respondent's vehicle(s) the identification placed thereon pursuant to Commission Regulation No. 61;
  - b. file a notarized affidavit and supporting photograph(s) with the Commission verifying compliance with the preceding requirement; and
  - c. surrender Certificate No. 1249 to the Commission.

FOR THE COMMISSION:

A handwritten signature in black ink, appearing to read "W. S. Morrow, Jr.", written in a cursive style.

William S. Morrow, Jr.  
Executive Director